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7 of Physician Assistants

8  
9 **ARIZONA REGULATORY BOARD**  
10 **OF PHYSICIAN ASSISTANTS**

11 In the Matter of

12 **MICHAEL C. PASCHAL, P.A.-C.**

13 Holder of License No. 2851  
To Perform Health Care Tasks  
14 As a Physician Assistant  
In the State of Arizona.  
15

Board Case No. PA-04-0009

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND**

16 In the interest of a prompt and judicious settlement of this case, consistent with the  
17 public interest, statutory requirements and responsibilities of the Arizona Regulatory  
18 Board of Physician Assistants ("Board"), and pursuant to A.R.S. §§ 32-2501 *et seq.* and  
19 41-1092.07(F)(5), the undersigned party, Michael C. Paschal, P.A.-C., holder of License  
20 No. 2851 to perform health care tasks as a physician assistant in the State of Arizona  
21 ("Respondent"), and the Board enter into the following Recitals, Findings of Fact, Con-  
22 clusions of Law and Order ("Consent Agreement") as the final disposition of this matter.

23 **RECITALS**

24 1. Respondent acknowledges that he has read and understands this Consent  
25 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent  
26

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2  
3 2. Respondent understands that by entering into this Consent Agreement, he  
4 voluntarily relinquishes any rights to a hearing or judicial review in state or federal court,  
5 or to challenge this Consent Agreement in its entirety as issued by the Board, and waives  
6 any other cause of action related to or arising from this Consent Agreement.

4. Respondent understands that this Consent Agreement shall not become effective unless and until it is adopted by the Board and signed by its Executive Director.

6. Respondent understands that this Consent Agreement, once approved and signed, is a public record that may be publicly disseminated as a formal action of the Board, and shall be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

24

25 DATED: 2-22-05

Michael C. Paschal, P.A.-C.

1 Reviewed and Approved as to Form:

2  
3 By:

Kent E. Turley  
Kent E. Turley, Esq.

4 2-22-05

5 FINDINGS OF FACT

6 The parties stipulate that this Consent Agreement represents a compromise of a  
7 disputed matter between the Board and Respondent, and agree to the entry of this Con-  
8 sent Order as the final disposition of the matters described herein:

9 1. The Board is the duly constituted authority for licensing and regulating the  
10 performance of health care tasks by physician assistants in the State of Arizona.

11 2. Respondent is the holder of License No. 2851 to perform health care tasks  
12 as a physician assistant in the State of Arizona. He also holds a license to perform health  
13 care tasks as a physician assistant in the State of Nevada.

14 3. On or about March 24, 2004, the Board initiated Investigation No. PA-04-  
15 0009 after receiving a complaint from a pharmacist in Fort Mohave, Arizona that  
16 Respondent repeatedly had prescribed controlled substances in amounts exceeding a 14-  
17 day supply at the recommended level of use.

18 4. On December 4, 2003, January 15, February 12 and March 11, 2004,  
19 Respondent prescribed 120 Lortab tablets (10mg/500mg) for Patient J.M. Advising the  
20 patient to take one tablet every four to six hours as needed, Respondent prescribed an  
21 amount adequate for at least 20 days of recommended use.

22 5. On December 4, 2003, ~~January 15~~ February 13 and March 18, 2004,  
23 Respondent prescribed between 120-180 Vicodin tablets (10mg/660mg) for Patient A.A.  
24 Advising the patient to take one tablet every four to six hours as needed, Respondent  
25 prescribed an amount adequate for at least 20-30 days of recommended use.  
26

1           6.     Vicodin and Lortab contain a combination of hydrocodone bitartrate and  
2 acetaminophen. Hydrocodone is a semisynthetic narcotic analgesic and antitussive with  
3 multiple actions qualitatively similar to those of codeine. Its use is indicated for the relief  
4 of moderate to moderately severe pain. The tablets are classified as a schedule III con-  
5 trolled substance.

6           7.     In Arizona, a physician assistant may not prescribe schedule II and III  
7 controlled substances for periods exceeding 72 hours unless he is certified for 14-day  
8 prescription privileges. A.R.S. § 32-2532(C).

9           8.     At the time he prescribed the Vicodin and Lortab tablets to Patients J.M.  
10 and A.A. described above, Respondent was certified to prescribe those controlled  
11 substances for periods not to exceed 14 days.

12          9.     However, in Nevada, a physician assistant has broader prescription  
13 privileges. N.R.S. § 630.271(2) ("[A] supervising physician shall limit the authority of a  
14 physician assistant to prescribe controlled substances to those schedules of controlled  
15 substances that the supervising physician is authorized to prescribe pursuant to state and  
16 federal law.)

17          10.    Respondent is employed by the Center for Pain Management which oper-  
18 ates facilities in Kingman, AZ., Bullhead City, AZ., Laughlin, NV. and Las Vegas, NV.

19          11.    Respondent's prescriptions for Patients J.M. and A.A. were written on a  
20 script that lists the Center for Pain Management's facility in Las Vegas, Nevada.  
21 However, Respondent treated the patients at the Bullhead City, Arizona facility.

22          12.    Respondent usually advised his patients that a prescription filled in Nevada  
23 would be filled for a one-month supply of medications, but the same prescription filled in  
24 Arizona would only be filled for a lesser appropriate amount.

13. Applicant admits that the above-described conduct constitutes unprofessional conduct in violation of A.R.S. § 32-2501(21)(a)(violation of any federal or state law or rule that applies to the performance of health care tasks as a physician assistant); A.R.S. § 32-2501(21)(i)(prescribing or dispensing controlled substances or prescription-only drugs for which the physician assistant is not approved or in excess of the amount authorized); and A.R.S. § 32-2501(j)(any conduct that is or might be harmful or dangerous to the health of a patient or the public).

## CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-2501(21)(a) (Violation of any federal or state law or rule that applies to the performance of health care tasks as a physician assistant.) It is a violation of Arizona law for a certified physician assistant to prescribe schedule II and III controlled substances for a period exceeding 14 days. A.R.S. § 32-2532(C).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-2501(21)(i) (Prescribing or dispensing controlled substances or prescription-only drugs for which the physician assistant is not approved or in excess of the amount authorized pursuant to this chapter).

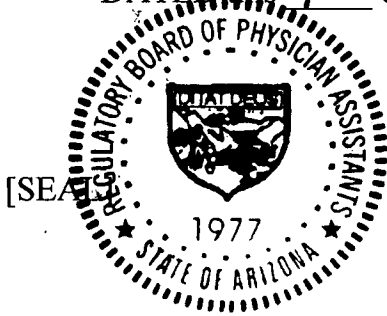
4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-2501(21)(j) (Any conduct that is or might be harmful or dangerous to the health of a patient or the public).

## ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted to the Board by A.R.S. §§ 32-2501 et seq. and 41-1092.07 (F)(5),

1 IT IS HEREBY ORDERED that Respondent shall be issued a Letter of Reprimand for  
2 prescribing schedule III controlled substances for periods exceeding 14 days, which may  
3 have been harmful or dangerous to the health of his patients.

4 DATED this 4<sup>th</sup> day of March, 2005.



ARIZONA REGULATORY BOARD OF  
PHYSICIAN ASSISTANTS

8 By:   
9 TIMOTHY C. MILLER, ESQ.  
Executive Director

10 ORIGINAL OF THE FOREGOING FILED  
11 this 7<sup>th</sup> day of March, 2005, with:

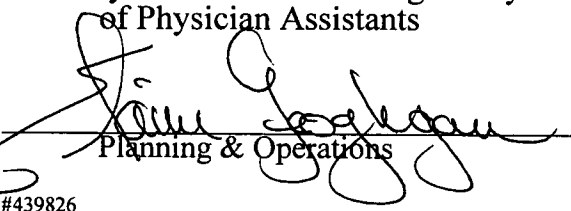
12 Arizona Regulatory Board of Physician Assistants  
13 9545 E. Doubletree Ranch Road  
14 Scottsdale, Arizona 85258

15 EXECUTED COPY OF THE FOREGOING MAILED  
16 this 7<sup>th</sup> day of March, 2005, to:

17 Michael C. Paschal, P.A.-C  
18 (Address of Record on file with the Board)  
19 Respondent

20 Kent E. Turley, Esq.  
21 Turley Swan & Childers, P.C.  
22 3101 N. Central Avenue, Suite 1300  
23 Phoenix, Arizona 85012-2643  
24 Attorneys for Respondent

25 Stephen A. Wolf, Esq.  
26 Assistant Attorney General  
1275 W. Washington Street, CIV/LES  
Phoenix, Arizona 85007  
Attorneys for the Arizona Regulatory Board  
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Planning & Operations

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